

Department of Energy

970.0801-2

970.0407-1-3 Contract clause.

The contracting officer shall insert the clause at 48 CFR 970.5204-3, *Access to and Ownership of Records*, in management and operating contracts and other contracts and resulting subcontracts that contain the clause at 48 CFR 970.5223-1, *Integration of Environment, Safety, and Health into Work Planning and Execution* clause, or the clause at 48 CFR 952.223-72, *Radiation Protection and Nuclear Criticality*.

970.0470 Department of Energy Directives.

970.0470-1 General.

(a) The contractor is required to comply with the requirements of applicable Federal, State and local laws and regulations, unless relief has been granted by the appropriate authority. For informational purposes, the contracting officer may append the contract with a list of applicable laws or regulations (see 970.5204-2, *Laws, Regulations, and DOE Directives*, paragraph (a)).

(b) The Department of Energy Directives System is a system of instructions, including orders, notices, manuals, guides, and standards, for Departmental elements. In certain circumstances, requirements contained in these directives may apply to a contractor through operation of a contract clause. Program and requirements personnel are responsible for identifying requirements in the Directives Program which are applicable to a contract, and for developing a list of applicable requirements and providing it to the contracting officer for inclusion in the contract.

(c) Where directives requirements are established using either the Standards/Requirements Identification Process or the Work Smart Standards Process, the applicable process should also be used to establish the environment, safety, and health portion of the list identified in paragraph (b) of this section.

(d) Environmental, safety, and health (ES&H) requirements appropriate for work conducted under a management and operating contract may be determined by a DOE approved process to evaluate the work and the associated hazards, and identify an appropriately tailored set of standards, practices, and

controls, such as a tailoring process included in a DOE approved Safety Management System implemented under 970.5223-1, *Integration of Environment, Safety, and Health into Work Planning and Execution*. When such a process is used, the contracting officer shall ensure that the set of tailored requirements, as approved by DOE pursuant to the process, is incorporated into the list identified in paragraph (b) of this section. These requirements shall supersede, in whole or in part, the contractual environmental, safety, and health requirements previously made applicable to the contract by List B. If the tailored set of requirements identifies an alternative requirement which varies from an ES&H requirement of an otherwise applicable law or regulation, the contractor must request an exemption or other appropriate regulatory relief that may be specified in the governing regulation.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 23127, May 18, 2009; 74 FR 36371, July 22, 2009]

970.0470-2 Contract clause.

The contracting officer shall insert the clause at 970.5204-2, *Laws, Regulations, and DOE Directives*, in management and operating contracts. The contracting officer may modify the clause to indicate the location in the contract of List A, List B, or both.

[65 FR 81009, Dec. 22, 2000, as amended at 74 FR 36371, July 22, 2009]

Subpart 970.08—Required sources of supplies and services

970.0801 Excess personal property.

970.0801-2 Policy.

The provisions of 48 CFR subpart 8.1, 41 CFR 101-43 (Federal Property Management Regulation), and 41 CFR 109-43, (Department of Energy (DOE) Property Management Regulation) apply to DOE's management and operating contracts.

[74 FR 36371, July 22, 2009]